



EDMUND G. BROWN JR.
GOVERNOR



MATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

State Water Resources Control Board

Division of Drinking Water

April 13, 2018

System No. 3500823

Garry Solmonson, Board President
Best Road Mutual Water Company
550 Heatherwood Estates Dr.
Hollister, CA 95023
garwsol@hotmail.com

COMPLIANCE ORDER NO. 02_05_18R_002 GROUNDWATER SOURCE DESIGNATED AS UNDER THE INFLUENCE OF SURFACE WATER

Enclosed is a Compliance Order issued to the Best Road MWC public water system. Please note there are legally enforceable deadlines associated with this Compliance Order.

Best Road MWC will be billed at the State Water Resources Control Board's (hereinafter "State Water Board") hourly rate for the time spent on issuing this Compliance Order. California Health and Safety Code (hereinafter "CHSC"), Section 116577, provides that a public water system must reimburse the State Water Board for actual costs incurred by the State Water Board for specified enforcement actions, including but not limited to, preparing, issuing and monitoring compliance with a compliance order. At this time, the State Water Board has spent approximately **two** hours on enforcement activities associated with this violation.

Best Road MWC will receive a bill sent from the State Water Board in August of the next fiscal year. This bill will contain fees for any enforcement time spent on the Best Road MWC for the current fiscal year.

Any person who is aggrieved by a citation, order or decision issued by the Deputy Director of the Division of Drinking Water under Article 8 (commencing with CHSC, Section 116625) or Article 9 (commencing with CHSC, Section 116650), of the Safe Drinking Water Act (CHSC, Division 104, Part 12, Chapter 4), may file a petition with the State Water Board for reconsideration of the citation, order or decision. Appendix 1 to the enclosed Citation contains the relevant statutory provisions for filing a petition for reconsideration (CHSC, Section 116701).

Petitions must be received by the State Water Board within 30 days of the issuance of the citation, order or decision by the Deputy Director. The date of issuance is the date when the Division of Drinking Water mails

FELICIA MARCUS, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

1 Lower Ragsdale, Bldg. 1, Suite 120, Monterey, CA 93940 | www.waterboards.ca.gov

a copy of the citation, order or decision. If the 30th day falls on a Saturday, Sunday, or state holiday, the petition is due the following business day by 5:00 p.m.

Information regarding filing petitions may be found at:

http://www.waterboards.ca.gov/drinking_water/programs/petitions/index.shtml

If you have any questions regarding this matter, please contact Jonathan Weininger of my staff at (831) 655-6932 or me at (831) 655-6934.

Sincerely,



Jan R. Sweigert, P.E.
District Engineer, Monterey District Office
Northern California Field Operations Branch
Division of Drinking Water

Enclosures

Certified Mail No. 7008-1830-0004-5435-3043

cc (email): San Benito County Environmental Health Department

Best Rd MWC Board Members:

Ed Bless ed@bluelinepower.com
Nan Bustos nan.bustos@yahoo.com
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STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF DRINKING WATER

Name of Public Water System: Best Road MWC

Water System No: 3500823

Issued: April 13, 2018

To: Garry Solmonson, Board President
Best Road Mutual Water Company
550 Heatherwood Estates Dr.
Hollister, CA 95023

**COMPLIANCE ORDER FOR NONCOMPLIANCE WITH
SURFACE WATER TREATMENT FILTRATION TECHNOLOGY REQUIREMENTS
CALIFORNIA CODE OF REGULATIONS, TITLE 22, SECTION 64652
MARCH 2018**

The California Health and Safety Code (hereinafter "CHSC"), Section 116655 authorizes the State Water Resources Control Board (hereinafter "State Water Board") to issue a compliance order to a public water system when the State Water Board determines that the public water system has violated or is violating the California Safe Drinking Water Act (hereinafter "California SDWA"), (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit, or order issued or adopted thereunder.

1 The State Water Board, acting by and through its Division of Drinking Water (hereinafter
2 "Division") and the Deputy Director for the Division, hereby issues Compliance Order No.
3 02_05_18R_002 (hereinafter "Order") pursuant to CHSC Section 116655 to the Best
4 Road MWC (hereinafter "Best Road MWC") for violation of CHSC, Sections 116555(a)(1)
5 and (a)(3) and California Code of Regulations (hereinafter "CCR"), Title 22, Section
6 64652. A copy of the applicable statutes and regulations are included in Appendix 1,
7 which is attached hereto and incorporated by reference.

8 9 **STATEMENT OF FACTS**

10 Best Road MWC is classified as a community water system and serves a population of
11 approximately 133 individuals through 48 service connections. Best Road MWC uses two
12 active groundwater wells identified as Well 01 and Well 02. Permitted treatment
13 technologies include blending for arsenic and filtration for iron and manganese. Best
14 Road MWC is currently exceeding the arsenic maximum contaminant level ("MCL") in the
15 water provided to its customers, which is documented within Compliance Order
16 02_05_16R_005, dated November 4, 2016. Best Road MWC was also issued
17 Compliance Order No. 02_05_17R_001, dated May 4, 2017 for exceeding the Total
18 Trihalomethane (TTHM) and Haloacetic Acids (HAA5) MCLs, and recently discontinued
19 disinfection as a means to reduce disinfection by-products in the distribution system.

20
21 Best Road MWC took Well 01 offline on January 16, 2017 after concerns of surface water
22 contamination were supported by raw water total coliform detections, and video-logging
23 showed the well's sanitary seal was cracked. Well 01 is located at the edge of the well
24 site owned by Best Road MWC, adjacent to property with grazing animals and frequently
25 pooled water. During significant rainfall events, most recently observed during the winter
26 of 2016/2017, a pond potentially containing animal waste forms about 50 feet away from
27 Well 01. The lack of separation between Well 01 and the nearby grazing animals was
28 noted in the 2016 Sanitary Survey Report (April 1, 2016) issued by the Division.

Due to the past total coliform detections, the proximity of the well to pooled surface water and grazing animals, and a failing well seal, the Division categorizes Well 01 as under the influence of surface water. Best Road MWC may not use the well as a source of supply in its current state until Division-approved surface water treatment has been installed and a permit is obtained from the Division.

Pursuant to CCR, Title 22, Section 64554(a), as a community serving less than 1,000 service connections, Best Road MWC is required to meet source and storage capacity requirements for maximum day demand, which is determined pursuant to CCR, Title 22, Section 64454(b). Best Road MWC is required to meet its 10 year maximum day demand with source capacity. Best Road MWC does not have the capacity to meet its current 10 year maximum day demand of 0.070 million gallons (MG) per day without Well 01. With only Well 02 in use, Best Road MWC has a capacity of 0.050 MG per day (35 gallons per minute). Therefore, Best Road MWC cannot achieve compliance by disconnecting Well 01 without replacing the lost capacity to comply with source capacity requirements.

DETERMINATION

Best Road MWC's Well 01 is designated as a groundwater under the influence of surface water source and may not be used without written approval from the Division.

DIRECTIVES

Best Road MWC is hereby directed to take the following actions:

1. Well 01 may only be used as an emergency water source to meet system demand in the event of a threatened water outage, and only with written approval by the Division.

1 In addition to Division approval, emergency use shall only be initiated with
2 continuous chlorination with at least a 1.0 mg/L free chlorine residual at the entry
3 point to the distribution system and issuance of Division-approved public
4 notification pursuant to Title 22, CCR, Section 64463.1. Please contact the State
5 Water Board Monterey Office for a Notification Template.

- 6
- 7 2. In accordance with CCR, Title 22, Section 64652(a), Well 01 may not be used for
8 any purpose other than as described in Directive 1 without approved multi-barrier
9 treatment. Best Road MWC's alternatives for addressing non-compliance with
10 surface water treatment regulations shall consider compliance with source
11 capacity requirements in accordance with CCR, Title 22, Section 64554.

- 12
- 13 3. No later than **June 20, 2018**, prepare a Corrective Action Plan for State Water
14 Board approval that identifies actions to be taken by Best Road MWC to comply
15 with the Surface Water Treatment Rule filtration and disinfection requirements at
16 Well 01. The plan must include milestones for the project which may include, but
17 are not limited to, planning, financing, design, construction, and startup.

18

19 Please note that any plan that includes continuing the use of Well 01 shall also
20 include long term compliance with the arsenic MCL, which was required by
21 Compliance Order No. 02_05_16R_005.

22

23 The Compliance Action Plan shall include a time schedule with dates for
24 completion of each milestone and a final date for compliance with either the
25 filtration and disinfection requirements in the Surface Water Treatment Rule or
26 addition of a source with capacity to meet maximum day demand. Compliance
27 shall be achieved no later than **December 31, 2020**.

4. Meet with the State Water Board in person at their office located at 1 Lower Ragsdale Drive, Building 1, Suite 120, Monterey, California no later than **June 20, 2018** to present the Corrective Action Plan required in Directive 3 and discuss Best Road MWC's proposed path towards compliance as described in this Order. Contact the Monterey District office in advance to schedule an appointment.
5. Complete the State Water Board approved Corrective Action Plan and each and every element of said plan according to the time schedule set forth therein.
6. On or before **October 10, 2018** and every three months thereafter, submit a progress report to the State Water Board showing actions taken during the previous calendar quarter to comply with the Corrective Action Plan, using the form provided as Appendix 2. Due dates for each calendar quarter are as follows:

Calendar Quarter	Progress Report Due Date
January 1 – March 30	April 10
April 1 – June 30	July 10
July 1 – September 30	October 10
October 1 – December 31	January 10

7. Notify the State Water Board in writing no later than five (5) days prior to the deadline for performance of any directive set forth herein if Best Road MWC anticipates it will not meet the deadline.
8. Until returned to compliance, all future annual Consumer Confidence Reports shall include the following information related to this Order: the length of the violation, potential adverse health effects, and actions taken by the water system to address the violations. A draft Consumer Confidence Report shall be submitted to the State Water Board for review and approval prior to distribution each year.

All submittals required by this Order shall be electronically submitted to the State Water Board at the following address. The subject line for all electronic submittals corresponding to this Order shall include the following information: Water System name and number, order number and title of the document being submitted.

Jan Sweigert, P.E.
District Engineer, Monterey District Office
Dwpdist05@waterboards.ca.gov

The State Water Board reserves the right to make such modifications to this Order as it may deem necessary to protect public health and safety. Such modifications may be issued as amendments to this Order and shall be effective upon issuance.

Nothing in this Order relieves Best Road MWC of its obligation to meet the requirements of the California SDWA (CHSC, Division 104, Part 12, Chapter 4, commencing with Section 116270), or any regulation, standard, permit or order issued or adopted thereunder.

PARTIES BOUND

This Order shall apply to and be binding upon Best Road MWC, its owners, shareholders, officers, directors, agents, employees, contractors, successors, and assignees.


SEVERABILITY

The directives of this Order are severable, and Best Road MWC shall comply with each and every provision thereof notwithstanding the effectiveness of any provision.

FURTHER ENFORCEMENT ACTION

The California SDWA authorizes the State Water Board to: issue a citation or order with assessment of administrative penalties to a public water system for violation or continued

violation of the requirements of the California SDWA or any regulation, permit, standard, citation, or order issued or adopted thereunder including, but not limited to, failure to correct a violation identified in a citation or compliance order. The California SDWA also authorizes the State Water Board to take action to suspend or revoke a permit that has been issued to a public water system if the public water system has violated applicable law or regulations or has failed to comply with an order of the State Water Board, and to petition the superior court to take various enforcement measures against a public water system that has failed to comply with an order of the State Water Board. The State Water Board does not waive any further enforcement action by issuance of this Compliance Order.


Stefan Cajina, P.E., Chief
North Coastal Section
State Water Resources Control Board
Division of Drinking Water

April 13, 2018
Date



Appendices (2):

1. Applicable Statutes and Regulations
2. Quarterly Progress Report Form

Certified Mail No. 7008-1830-0004-5435-3043

APPENDIX 1. APPLICABLE STATUTES AND REGULATIONS
For Compliance Order No. 02_05_18R_002
Well 01 Designation of Groundwater Under the Influence of Surface Water

NOTE: The following language is provided for the convenience of the recipient, and cannot be relied upon as the State of California's representation of the law. The published codes are the only official representation of the law. Regulations related to drinking water are in Titles 22 and 17 of the California Code of Regulations. Statutes related to drinking water are in the Health & Safety Code, the Water Code, and other codes.

California Health and Safety Code (CHSC):

Section 116271 (Transition of CDPH duties to State Water Board) states in relevant part:

(a) The state board succeeds to and is vested with all of the authority, duties, powers, purposes, functions, responsibilities, and jurisdiction of the State Department of Public Health, its predecessors, and its director for purposes of all of the following:

- (1) The Environmental Laboratory Accreditation Act (Article 3 (commencing with Section 100825) of Chapter 4 of Part 1 of Division 101).
- (2) Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (3) Article 1 (commencing with Section 115825) of Chapter 5 of Part 10.
- (4) This chapter and the Safe Drinking Water State Revolving Fund Law of 1997 (Chapter 4.5 (commencing with Section 116760)).
- (5) Article 2 (commencing with Section 116800), Article 3 (commencing with Section 116825), and Article 4 (commencing with Section 116875) of Chapter 5.
- (6) Chapter 7 (commencing with Section 116975).
- (7) The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Division 43 (commencing with Section 75001) of the Public Resources Code).
- (8) The Water Recycling Law (Chapter 7 (commencing with Section 13500) of Division 7 of the Water Code).
- (9) Chapter 7.3 (commencing with Section 13560) of Division 7 of the Water Code.
- (10) The California Safe Drinking Water Bond Law of 1976 (Chapter 10.5 (commencing with Section 13850) of Division 7 of the Water Code).
- (11) Wholesale Regional Water System Security and Reliability Act (Division 20.5 (commencing with Section 73500) of the Water Code).
- (12) Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002 (Division 26.5 (commencing with Section 79500) of the Water Code).

(b) The state board shall maintain a drinking water program and carry out the duties, responsibilities, and functions described in this section. Statutory reference to "department," "state department," or "director" regarding a function transferred to the state board shall refer to the state board. This section does not impair the authority of a local health officer to enforce this chapter or a county's election not to enforce this chapter, as provided in Section 116500...

(k)

(1) The state board shall appoint a deputy director who reports to the executive director to oversee the issuance and enforcement of public water system permits and other duties as appropriate. The deputy director shall have public health expertise.

(2) The deputy director is delegated the state board's authority to provide notice, approve notice content, approve emergency notification plans, and take other action pursuant to Article 5 (commencing with Section 116450), to issue, renew, reissue, revise, amend, or deny any public water system permits pursuant to Article 7 (commencing with Section 116525), to suspend or revoke any public water system permit pursuant to Article 8 (commencing with Section 116625), and to issue citations, assess penalties, or issue orders pursuant to Article 9 (commencing with Section 116650). Decisions and actions of the deputy director taken pursuant to Article 5 (commencing with Section 116450) or Article 7 (commencing with Section 116525) are deemed decisions and actions taken by the state board, but are not subject to reconsideration by the state board except as provided in Section 116540. Decisions and actions of the deputy director taken pursuant to Article 8 (commencing with Section 116625) and Article 9 (commencing with Section 116650) are deemed decisions and actions taken by the state board, but any aggrieved person may petition the state board for reconsideration of the decision or action. This subdivision is not a limitation on the state board's authority to delegate any other powers and duties.

Section 116577. Enforcement fee states:

(a) Each public water system shall reimburse the state board for actual costs incurred by the state board for any of the following enforcement activities related to that water system:

- (1) Preparing, issuing, and monitoring compliance with, an order or a citation.
- (2) Preparing and issuing public notification.

(3) Conducting a hearing pursuant to Section 116625.

(b) The state board shall submit an invoice for these enforcement costs to the public water system that requires payment before September 1 of the fiscal year following the fiscal year in which the costs were incurred. The invoice shall indicate the total hours expended, the reasons for the expenditure, and the hourly cost rate of the state board. The costs set forth in the invoice shall not exceed the total actual costs to the state board of enforcement activities specified in this section.

(c) Notwithstanding the reimbursement of enforcement costs of the local primacy agency pursuant to subdivision (a) of Section 116595 by a public water system under the jurisdiction of the local primacy agency, a public water system shall also reimburse enforcement costs, if any, incurred by the state board pursuant to this section.

(d) "Enforcement costs," as used in this section, does not include "litigation costs" pursuant to Section 116585.

(e) The state board shall not be entitled to enforcement costs pursuant to this section if a court determines that enforcement activities were in error.

(f) Payment of the invoice shall be made within 90 days of the date of the invoice. Failure to pay the invoice within 90 days shall result in a 10-percent late penalty that shall be paid in addition to the invoiced amount.

(g) The state board may, at its sole discretion, waive payment by a public water system of all or any part of the invoice or penalty.

Section 116625 (Revocation and suspension of permits) states:

(a) The state board, after providing notice to the permittee and opportunity for a hearing, may suspend or revoke any permit issued pursuant to this chapter if the state board determines pursuant to the hearing that the permittee is not complying with the permit, this chapter, or any regulation, standard, or order issued or adopted thereunder, or that the permittee has made a false statement or representation on any application, record, or report maintained or submitted for purposes of compliance with this chapter. If the permittee does not request a hearing within the period specified in the notice, the state board may suspend or revoke the permit without a hearing. If the permittee submits a timely request for a hearing, the hearing shall be before the state board or a member of the state board, in accordance with Section 183 of the Water Code and the rules for adjudicative proceedings adopted under Section 185 of the Water Code. If the permit at issue has been temporarily suspended pursuant to subdivision (b), the notice shall be provided within 15 days of the effective date of the temporary suspension order. The commencement of the hearing under this subdivision shall be as soon as practicable, but no later than 60 days after the effective date of the temporary suspension order, unless the state board grants an extension of the 60 day period upon request of the permittee.

(b) The state board may temporarily suspend any permit issued pursuant to this chapter before any hearing when the action is necessary to prevent an imminent or substantial danger to health. The state board shall notify the permittee of the temporary suspension and the effective date of the temporary suspension and, at the same time, notify the permittee that a hearing has been scheduled. The hearing shall be held as soon as possible, but not later than 15 days after the effective date of the temporary suspension unless the state board grants an extension of the 15 day period upon request of the permittee, and shall deal only with the issue of whether the temporary suspension shall remain in place pending a hearing under subdivision (a). The hearing shall be conducted under the rules for adjudicative proceedings adopted by the state board under Section 185 of the Water Code. The temporary suspension shall remain in effect until the hearing under this subdivision is completed and the state board has made a final determination on the temporary suspension, which shall be made within 15 days after the completion of the hearing unless the state board grants an extension of the 15 day period upon request of the permittee. If the determination is not transmitted within 15 days after the hearing is completed, or any extension of this period requested by the permittee, the temporary suspension shall be of no further effect. Dissolution of the temporary suspension does not deprive the state board of jurisdiction to proceed with a hearing on the merits under subdivision (a).

Section 116650 states in relevant part:

(a) If the state board determines that a public water system is in violation of this chapter or any regulation, permit, standard, citation, or order issued or adopted thereunder, the state board may issue a citation to the public water system. The citation shall be served upon the public water system personally or by certified mail. Service shall be deemed effective as of the date of personal service or the date of receipt of the certified mail. If a person to whom a citation is directed refuses to accept delivery of the certified mail, the date of service shall be deemed to be the date of mailing.

(b) Each citation shall be in writing and shall describe the nature of the violation or violations, including a reference to the statutory provision, standard, order, citation, permit, or regulation alleged to have been violated.

(c) A citation may specify a date for elimination or correction of the condition constituting the violation.

(d) A citation may include the assessment of a penalty as specified in subdivision (e).

(e) The state board may assess a penalty in an amount not to exceed one thousand dollars (\$1,000) per day for each day that a violation occurred, and for each day that a violation continues to occur. A separate penalty may be assessed for each violation and shall be in addition to any liability or penalty imposed under any other law.

Section 116555 (Operational Requirements) states in relevant part:

(a) Any person who owns a public water system shall ensure that the system does all of the following:

- (1) Complies with primary and secondary drinking water standards.
- (2) Will not be subject to backflow under normal operating conditions.

- (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.

Section 116655 (Orders) states:

(a) Whenever the state board determines that any person has violated or is violating this chapter, or any order, permit, regulation, or standard issued or adopted pursuant to this chapter, the state board may issue an order doing any of the following:

- (1) Directing compliance forthwith.
- (2) Directing compliance in accordance with a time schedule set by the State Water Board.
- (3) Directing that appropriate preventive action be taken in the case of a threatened violation.

(b) An order issued pursuant to this section may include, but shall not be limited to, any or all of the following requirements:

- (1) That the existing plant, works, or system be repaired, altered, or added to.
- (2) That purification or treatment works be installed.
- (3) That the source of the water supply be changed.
- (4) That no additional service connection be made to the system.
- (5) That the water supply, the plant, or the system be monitored.
- (6) That a report on the condition and operation of the plant, works, system, or water supply be submitted to the State Water Board.

Section 116701 (Petitions to Orders and Decisions) states:

(a)

(1) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Article 8 (commencing with Section 116625) or Article 9 (commencing with Section 116650), an aggrieved person may petition the state board for reconsideration.

(2) Within 30 days of issuance of an order or decision under authority delegated to an officer or employee of the state board under Section 116540, the applicant may petition the state board for reconsideration.

(3) Within 30 days of final action by an officer or employee of the state board acting under delegated authority, the owner of a laboratory that was the subject of the final action may petition the state board for reconsideration of any of the following actions:

- (A) Denial of an application for certification or accreditation under Section 100855.
- (B) Issuance of an order directing compliance under Section 100875.
- (C) Issuance of a citation under Section 100880.
- (D) Assessment of a penalty under subdivision (e) of Section 100880.

(b) The petition shall include the name and address of the petitioner, a copy of the order or decision for which the petitioner seeks reconsideration, identification of the reason the petitioner alleges the issuance of the order was inappropriate or improper, the specific action the petitioner requests, and other information as the state board may prescribe. The petition shall be accompanied by a statement of points and authorities of the legal issues raised by the petition.

(c) The evidence before the state board shall consist of the record before the officer or employee who issued the order or decision and any other relevant evidence that, in the judgment of the state board, should be considered to implement the policies of this chapter. The state board may, in its discretion, hold a hearing for receipt of additional evidence.

(d) The state board may refuse to reconsider the order or decision if the petition fails to raise substantial issues that are appropriate for review, may deny the petition upon a determination that the issuance of the order or decision was appropriate and proper, may set aside or modify the order or decision, or take other appropriate action. The state board's action pursuant to this subdivision shall constitute the state board's completion of its reconsideration.

(e) The state board, upon notice and hearing, if a hearing is held, may stay in whole or in part the effect of the order or decision subject to the petition for reconsideration.

(f) If an order or decision is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 100920.5 or 116700.

(f) If an order of the deputy director is subject to reconsideration under this section, the filing of a petition for reconsideration is an administrative remedy that must be exhausted before filing a petition for writ of mandate under Section 116625 or 116700.

California Code of Regulations (CCR), Title 22:

§64652. Treatment Technique Requirements and Compliance Options.

(a) A supplier using an approved surface water shall provide multibarrier treatment that meets the requirements of this chapter and reliably ensures at least, between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer:

- (1) A total of 99.9 percent reduction of *Giardia lamblia* cysts through filtration and disinfection;
- (2) A total of 99.99 percent reduction of viruses through filtration and disinfection; and
- (3) A total of 99 percent removal of *Cryptosporidium* through filtration.

§64554. New and Existing Source Capacity.

(a) At all times, a public water system's water source(s) shall have the capacity to meet the system's maximum day demand (MDD). MDD shall be determined pursuant to subsection (b).

(1) For systems with 1,000 or more service connections, the system shall be able to meet four hours of peak hourly demand (PHD) with source capacity, storage capacity, and/or emergency source connections.

(2) For systems with less than 1,000 service connections, the system shall have storage capacity equal to or greater than MDD, unless the system can demonstrate that it has an additional source of supply or has an emergency source connection that can meet the MDD requirement.

(3) Both the MDD and PHD requirements shall be met in the system as a whole and in each individual pressure zone.

(b) A system shall estimate MDD and PHD for the water system as a whole (total source capacity and number of service connections) and for each pressure zone within the system (total water supply available from the water sources and interzonal transfers directly supplying the zone and number of service connections within the zone), as follows:

(1) If daily water usage data are available, identify the day with the highest usage during the past ten years to obtain MDD; determine the average hourly flow during MDD and multiply by a peaking factor of at least 1.5 to obtain the PHD.

(2) If no daily water usage data are available and monthly water usage data are available:

(A) Identify the month with the highest water usage (maximum month) during at least the most recent ten years of operation or, if the system has been operating for less than ten years, during its period of operation;

(B) To calculate average daily usage during maximum month, divide the total water usage during the maximum month by the number of days in that month; and

(C) To calculate the MDD, multiply the average daily usage by a peaking factor that is a minimum of 1.5; and

(D) To calculate the PHD, determine the average hourly flow during MDD and multiply by a peaking factor that is a minimum of 1.5.

(3) If only annual water usage data are available:

(A) Identify the year with the highest water usage during at least the most recent ten years of operation or, if the system has been operating for less than ten years, during its years of operation;

(B) To calculate the average daily use, divide the total annual water usage for the year with the highest use by 365 days; and

(C) To calculate the MDD, multiply the average daily usage by a peaking factor of 2.25.

(D) To calculate the PHD, determine the average hourly flow during MDD and multiply by a peaking factor that is a minimum of 1.5.

(4) If no water usage data are available, utilize records from a system that is similar in size, elevation, climate, demography, residential property size, and metering to determine the average water usage per service connection. From the average water usage per service connection, calculate the average daily demand and follow the steps in paragraph (3) to calculate the MDD and PHD.

(c) Community water systems using only groundwater shall have a minimum of two approved sources before being granted an initial permit. The system shall be capable of meeting MDD with the highest-capacity source off line.

(d) A public water system shall determine the total capacity of its groundwater sources by summing the capacity of its individual active sources. If a source is influenced by concurrent operation of another source, the total capacity shall be reduced to account for such influence. Where the capacity of a source varies seasonally, it shall be determined at the time of MDD.

(e) The capacity of a well shall be determined from pumping data existing prior to March 9, 2008, or in accordance with subsection (f) or (g). Prior to conducting a well capacity test pursuant to subsection (g), a system shall submit the information listed below to the State Water Board for review and approval. For well capacity tests conducted pursuant to subsection (f), the information shall be submitted to the State Water Board if requested by the State Water Board.

(1) The name and qualifications of the person who will be conducting the test;

(2) The proposed test's pump discharge rate, based on the design rate determined during well development and/or a step-drawdown test.

(3) A copy of a United States Geological Survey 7 1/2-minute topographic map of the site at a scale of 1:24,000 or larger (1 inch equals 2,000 feet or 1 inch equals less than 2,000 feet) or, if necessary, a site sketch at a scale providing more detail, that clearly indicates;

(A) The well discharge location(s) during the test, and

(B) The location of surface waters, water staff gauges, and other production wells within a radius of 1000 feet;

(4) A well construction drawing, geologic log, and electric log, if available;

(5) Dates of well completion and well development, if known;

(6) Specifications for the pump that will be used for the test and the depth at which it will draw water from the well;

(7) A description of the methods and equipment that will be used to measure and maintain a constant pumping rate;

- (8) A description of the water level measurement method and measurement schedule;
- (9) For wells located in or having an influence on the aquifer from which the new well will draw water, a description of the wells' operating schedules and the estimated amount of groundwater to be extracted, while the new well is tested and during normal operations prior to and after the new well is in operation;
- (10) A description of the surface waters, water staff gauges, and production wells shown in (3)(B);
- (11) A description of how the well discharge will be managed to ensure the discharge doesn't interfere with the test;
- (12) A description of how the initial volume of water in the well's casing, or bore hole if there is no casing at the time, will be addressed to ensure it has no impact on the test results; and
- (13) A written description of the aquifer's annual recharge.

(f) To determine the capacity of a well drilled in alluvial soils when there is no existing data to determine the capacity, a water system shall complete a constant discharge (pumping rate) well capacity test and determine the capacity as follows:

- (1) Take an initial water level measurement (static water level) and then pump the well continuously for a minimum of eight hours, maintaining the pump discharge rate proposed in subsection (e)(2);
- (2) While pumping the well, take measurements of the water level drawdown and pump discharge rates for a minimum of eight hours at a frequency no less than every hour;
- (3) Plot the drawdown data versus the time data on semi-logarithmic graph paper, with the time intervals on the horizontal logarithm axis and the drawdown data on the vertical axis; (4) Steady-state is indicated if the last four hours of drawdown measurements and the elapsed time yield a straight line in the plot developed pursuant to subsection (3). If steady-state is not achieved, the pump discharge rate shall be continued for a longer period of time or adjusted, with paragraphs (2) and (3) above repeated, until steady-state is achieved.
- (5) Discontinue pumping and take measurements of the water level drawdown no less frequently than every 15 minutes for the first two hours and every hour thereafter for at least six hours or until the test is complete; and
- (6) To complete the test, the well shall demonstrate that, within a length of time not exceeding the duration of the pumping time of the well capacity test, the water level has recovered to within two feet of the static water level measured at the beginning of the test or to a minimum of ninety-five percent of the total drawdown measured during the test, whichever is more stringent.
- (7) The capacity of the well shall be the pump discharge rate determined by a completed test.

(g) The capacity of a well whose primary production is from a bedrock formation, such that the water produced is yielded by secondary permeability features (e.g., fractures or cracks), shall be determined pursuant to either paragraph (1) or (2) below.

(1) The public water system shall submit a report, for State Water Board review and approval, proposing a well capacity based on well tests and the evaluation and management of the aquifer from which the well draws water. The report shall be prepared and signed by a California registered geologist with at least three years of experience with groundwater hydrology, a California licensed engineer with at least five years of experience with groundwater hydrology, or a California certified hydrogeologist. Acceptance of the proposed well capacity by the State Water Board shall, at a minimum, be based on the State Water Board's review and approval of the following information presented in the report in support of the proposed well capacity:

- (A) The rationale for the selected well test method and the results;
- (B) The geological environment of the well;
- (C) The historical use of the aquifer;
- (D) Data from monitoring of other local wells;
- (E) A description of the health risks of contaminants identified in a Source Water Assessment, as defined in section 63000.84 of Title 22, and the likelihood of such contaminants being present in the well's discharge;
- (F) Impacts on the quantity and quality of the groundwater;
- (G) How adjustments were made to the estimated capacity based on drawdown, length of the well test, results of the wells test, discharge options, and seasonal variations and expected use of the well; and
- (H) The well test(s) results and capacity analysis.

(2) During the months of August, September, or October, conduct either a 72-hour well capacity test or a 10-day well capacity test, and determine the well capacity using the following procedures:

(A) Procedures for a 72 hour well capacity test:

- 1. For the purpose of obtaining an accurate static water level value, at least twelve hours before initiating step 2., pump the well at the pump discharge rate proposed in subsection (e)(2) for no more than two hours, then discontinue pumping;
- 2. Measure and record the static water level and then pump the well continuously for a minimum of 72 hours starting at the pump discharge rate proposed in (e)(2);
- 3. Measure and record water drawdown levels and pump discharge rate:
 - a. Every thirty minutes during the first four hours of pumping,
 - b. Every hour for the next four hours, and
 - c. Every four hours thereafter until the water drawdown level is constant for at least the last four remaining measurements, and;

4. Plot the drawdown and pump discharge rate data versus time data on semi-logarithmic graph paper, with the time intervals on the horizontal logarithmic axis and the drawdown and pump discharge rate data on the vertical axis.

(B) Procedures for a 10 day well capacity test:

1. For the purpose of obtaining an accurate static water level value, at least twelve hours before initiating step 2., pump the well at the pump discharge rate proposed in subsection (e)(2) for no more than two hours, then discontinue pumping;

2. Measure and record the static water level and then pump the well continuously for a minimum of 10 days starting at the pump discharge rate proposed in (e)(2);

3. Measure and record water drawdown levels and pumping rate:

a. Every thirty minutes during the first four hours of pumping,

b. Every hour for the next four hours,

c. Every eight hours for the remainder of the first four days,

d. Every 24 hours for the next five days, and

e. Every four hours thereafter until the water drawdown level is constant for at least the last four remaining measurements, and;

4. Plot the drawdown and pump discharge rate data versus time data on semi-logarithmic graph paper, with the time intervals on the horizontal logarithmic axis and the drawdown and pump discharge rate data on the vertical axis.

(C) To complete either the 72-hour or 10-day well capacity test the well shall demonstrate that, within a length of time not exceeding the duration of the pumping time of the well capacity test, the water level has recovered to within two feet of the static water level measured at the beginning of the well capacity test or to a minimum of ninety-five percent of the total drawdown measured during the test, whichever is more stringent. If the well recovery does not meet these criteria, the well capacity cannot be determined pursuant to subsection (g)(2) using the proposed pump rate. To demonstrate meeting the recovery criteria, the following water level data in the well shall be measured, recorded, and compared with the criteria:

1. Every 30 minutes during the first four hours after pumping stops,

2. Hourly for the next eight hours, and 3. Every 12 hours until either the water level in the well recovers to within two feet of the static water level measured at the beginning of the well capacity test or to a at least ninety-five percent of the total drawdown measured during the test, which ever occurs first.

(D) Following completion of a 72-hour or 10-day well capacity test, the well shall be assigned a capacity no more than:

1. For a 72-hour test, 25 percent of the pumping rate at the end of a completed test's pumping.

2. For a 10-day test, 50 percent of the pumping rate at the end a completed test's pumping.

(h) The public water system shall submit a report to the State Water Board that includes all data and observations associated with a well capacity test conducted pursuant to subsection (f) or (g), as well as the estimated capacity determination methods and calculations. The data collected during pumping and recovery phases of the well capacity tests shall be submitted in an electronic spreadsheet format in both tabular and graphic files.

(i) An assigned well capacity may be revised by the State Water Board if pumping data collected during normal operations indicates that the assigned well capacity was not representative of the actual well capacity.

(j) If directed by the State Water Board to do so, based on adverse conditions that may lead or may have led to a regional aquifer's inability to meet a water system's demand on such an aquifer, the water system shall submit a report to the State Water Board that includes regional aquifer recharge estimates and a water balance analysis. The report shall be prepared and signed by a California registered geologist with at least three years of experience with groundwater hydrology, a California licensed engineer with at least five years of experience with groundwater hydrology, or a California certified hydrogeologist.

(l) The source capacity of a purchased water connection between two public water systems shall be included in the total source capacity of the purchaser if the purchaser has sufficient storage or standby source capacity to meet user requirements during reasonable foreseeable shutdowns by the supplier.

Section 64463.1 (Tier 1 Public Notice) states:

(a) A water system shall give public notice pursuant to this section and section 64465 if any of the following occurs:

(1) Violation of the total coliform MCL when:

(A) Fecal coliform or *E. coli* are present in the distribution system; or

(B) When any repeat sample tests positive for coliform and the water system fails to test for fecal coliforms or *E. coli* in the repeat sample;

(2) Violation of the MCL for nitrate, nitrite, or total nitrate and nitrite, or when the water system fails to take a confirmation sample within 24 hours of the system's receipt of the first sample showing an exceedance of the nitrate or nitrite MCL;

(3) Violation of a Chapter 17 treatment technique requirement resulting from a single exceedance of a maximum allowable turbidity level if:

(A) The State Board determines after consultation with the water system and a review of the data that a Tier 1 public notice is required; or

(B) The consultation between the State Board and the water system does not take place within 24 hours after the water system learns of the violation;

(4) Occurrence of a waterborne microbial disease outbreak, as defined in section 64651.91, or other waterborne emergency, a failure or significant interruption in water treatment processes, a natural disaster that disrupts the water supply or distribution system, or a chemical spill or unexpected loading of possible pathogens into the source water that has the potential for adverse effects on human health as a result of short-term exposure;

(5) Other violation or occurrence that has the potential for adverse effects on human health as a result of short-term exposure, as determined by the State Board based on a review of all available toxicological and analytical data;

(6) Violation of the MCL for perchlorate or when a system is unable to resample within 48 hours of the system's receipt of the first sample showing an exceedance of the perchlorate MCL as specified in section 64432.3(d)(3);

(7) For chlorite:

(A) Violation of the MCL for chlorite;

(B) When a system fails to take the required sample(s) within the distribution system, on the day following an exceedance of the MCL at the entrance to the distribution system; or

(C) When a system fails to take a confirmation sample pursuant to section 64534.2(b)(4); or

(8) Violation of the MRDL for chlorine dioxide; or when a system fails to take the required sample(s) within the distribution system, on the day following an exceedance of the MRDL at the entrance to the distribution system.

(b) As soon as possible within 24 hours after learning of any of the violations in subsection (a) or being notified by the State Board that it has determined there is a potential for adverse effects on human health [pursuant to paragraph (a)(4), (5), or (6)], the water system shall:

(1) Give public notice pursuant to this section;

(2) Initiate consultation with the State Board within the same timeframe; and

(3) Comply with any additional public notice requirements that are determined by the consultation to be necessary to protect public health.

(c) A water system shall deliver the public notice in a manner designed to reach residential, transient, and nontransient users of the water system and shall use, as a minimum, one of the following forms:

(1) Radio or television;

(2) Posting in conspicuous locations throughout the area served by the water system;

(3) Hand delivery to persons served by the water system; or

(4) Other method approved by the State Board, based on the method's ability to inform water system users.

Section 64465 (Public Notice Content and Format) states in relevant part:

(a) Each public notice given pursuant to this article, except Tier 3 public notices for variances and exemptions pursuant to subsection (b), shall contain the following:

(1) A description of the violation or occurrence, including the contaminant(s) of concern, and (as applicable) the contaminant level(s);

(2) The date(s) of the violation or occurrence;

(3) Any potential adverse health effects from the violation or occurrence, including the appropriate standard health effects language from appendices 64465-A through G;

(4) The population at risk, including subpopulations particularly vulnerable if exposed to the contaminant in drinking water;

(5) Whether alternative water supplies should be used;

(6) What actions consumers should take, including when they should seek medical help, if known;

(7) What the water system is doing to correct the violation or occurrence;

(8) When the water system expects to return to compliance or resolve the occurrence;

(9) The name, business address, and phone number of the water system owner, operator, or designee of the water system as a source of additional information concerning the public notice;

(10) A statement to encourage the public notice recipient to distribute the public notice to other persons served, using the following standard language: —Please share this information with all the other people who drink this water, especially those who may not have received this public notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail; and

(11) For a water system with a monitoring and testing procedure violation, this language shall be included: "We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not your drinking water meets health standards. During [compliance period dates], we ['did not monitor or test' or 'did not complete

all monitoring or testing"] for [contaminant(s)], and therefore, cannot be sure of the quality of your drinking water during that time." ...

(c) A public water system providing notice pursuant to this article shall comply with the following multilingual-related requirements:

(2) For a Tier 2 or Tier 3 public notice:

- (A) The notice shall contain information in Spanish regarding the importance of the notice, or contain a telephone number or address where Spanish-speaking residents may contact the public water system to obtain a translated copy of the notice or assistance in Spanish; and
- (B) When a non-English speaking group other than Spanish-speaking exceeds 1,000 residents or 10 percent of the residents served by the public water system, the notice shall include:
 - 1. Information in the appropriate language(s) regarding the importance of the notice; or
 - 2. A telephone number or address where such residents may contact the public water system to obtain a translated copy of the notice or assistance in the appropriate language; and

(3) For a public water system subject to the Dymally-Alatorre Bilingual Services Act, Chapter 17.5, Division 7, of the Government Code (commencing with section 7290), meeting the requirements of this Article may not ensure compliance with the Dymally-Alatorre Bilingual Services Act.

(d) Each public notice given pursuant to this article shall:

- (1) Be displayed such that it catches people's attention when printed or posted and be formatted in such a way that the message in the public notice can be understood at the eighth-grade level;
- (2) Not contain technical language beyond an eighth-grade level or print smaller than 12 point; and
- (3) Not contain language that minimizes or contradicts the information being given in the public notice.

Section 64469 (Reporting Requirements) states in relevant part:

(d) Within 10 days of giving initial or repeat public notice pursuant to Article 18 of this Chapter, except for notice given under section 64463.7(d), each water system shall submit a certification to the State Water Board that it has done so, along with a representative copy of each type of public notice given.

Section 64481 (Content of the Consumer Confidence Report) states in relevant part:

(d) For contaminants identified in subsection (c), the water system shall include in the Consumer Confidence Report one table or several adjacent tables that have been developed pursuant to this subsection. Any additional monitoring results that a water system chooses to include in its Consumer Confidence Report shall be displayed separately.

(3) The table(s) shall clearly identify any data indicating violations of MCLs, regulatory action levels, MRDLs, or treatment techniques and the Consumer Confidence Report shall give information on each violation including the length of the violation, potential adverse health effects (PDWS only), and actions taken by the system to address the violation. To describe the potential health effects, the system shall use the relevant language pursuant to appendices 64465-A through H;

(g) For the year covered by the report, the Consumer Confidence Report shall note any violations of paragraphs (1) through (7) and give related information, including any potential adverse health effects, and the steps the system has taken to correct the violation.

(1) Monitoring and reporting of compliance data.

(2) Filtration, disinfection, and recycled provisions prescribed by sections 64652, 64652.5, 64653, 64653.5(b), or 64654. For systems that have failed to install adequate filtration or disinfection equipment or processes, or have had a failure of such equipment or processes that constitutes a violation, the Consumer Confidence Report shall include the health effects language pursuant to appendix 64465-B as part of the explanation of potential adverse health effects.

(3) One or more actions prescribed by the lead and copper requirements in sections 64673, 64674, 64683 through 64686, and 64688. To address potential adverse health effects, the Consumer Confidence Report shall include the applicable language pursuant to appendix 64465-D for lead, copper, or both.

(4) Treatment technique requirements for Acrylamide and Epichlorohydrin in section 64448; to address potential adverse health effects, the Consumer Confidence Report shall include the relevant language from appendix 64465-H.

(5) Recordkeeping of compliance data.

(6) Special monitoring requirements prescribed by section 64449(b)(2) and (g).

(7) Terms of a variance, an exemption, or an administrative or judicial order.

APPENDIX 2. QUARTERLY PROGRESS REPORT

Compliance Order No. 02_05_18R_002

Water System: Best Road MWC	Water System No: 3500823
Violation: Well 01 Groundwater Under the Influence of Surface Water Designation	
Calendar Quarter:	Date Prepared:

Summary of Compliance Plan

Tasks Completed in the Quarter

Tasks Remaining to Complete

Anticipate Compliance Date*:

* Date shall not be later than December 31, 2020

System Representative Name & Title: _____

System Representative Signature: _____

This form should be prepared and signed by the water system personnel with appropriate authority to implement the directives of the Compliance Order and the Corrective Action Plan. Please attach additional sheets as necessary. The quarterly progress must be submitted by the 10th day of the month following the end of each subsequent quarter.